

REMARKS

Claims 1-21 are pending in the application, and claim 22 has been added; claim 22 is a combination of portions of claims 1 and 2, directed to the novel features of the OLT according to the present invention. Claims 1, 3, 5, 9, 11-13, 15, and 16 and 19-21 stand rejected. Claims 1, 2, 13, 14 and 22 are independent claims.

At the outset, Applicant notes with appreciation the indication in the Office Action that claims 2, 4, 6-8, 10, 14 and 17-18 recite allowable subject matter. Claims 2 and 14 have been amended into an independent format so as to include the features recited of respective base claims 1 or 13, thereby placing all of these claims in condition for allowance.

Claim 1 has been amended to include some features based on claim 2, and claim 1 recites that the OLT includes frame multiplexing means for time division multiplexing a communication signal retrieved from a time-slot matching buffer and a broadcast/image signal in a single frame, and a first optical transmitter configured to optically modulate an output from the frame multiplexing means, support for which is clearly found at least in FIGS. 2A, 9A, and page 8, line 1, to page 9, line 8 of the specification. Claim 13 has also been amended to include some features recited by now-independent claim 14, finding support from claim 14 as original filed as well as at least the above-mentioned portions of the specification and drawings.

Claims 1, 3, 5 and 20 stand rejected under 35 U.S.C §103(a) as allegedly being obvious over Blahut (U.S. 6,778,550) and Koh *et al.* (U.S. Pub. 2004/0022536) ("Koh") and further in view of Suzuki *et al.* (U.S. Pat. Pub. 2005/0259541) ("Suzuki"). Claims 9 and 12 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Blahut in view of Koh and further in view of Suzuki and further in view of Hou *et al.* (U.S. 6,324,184) ("Hou"). Claim 11 stands

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rejected under 35 U.S.C. §103(a) as allegedly being obvious over Blahut in view of Koh and further in view of Suzuki and further in view of Hou and further in view of Wright *et al.* (U.S. 6,411,410) ("Wright"). Claims 13, 15 and 21 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Koh and in view of Blahut and further in view of Suzuki. Claim 16 stands rejected under 35 U.S.C. §103(a) as allegedly being obvious over Kohn in view of Blahut and further in view of Suzuki and further in view of Chang (U.S. Pat. Pub. 2003/0020991) ("Chang"). Claim 19 stands rejected under 35 U.S.C. §103(a) over Blahut in view of Koh and further in view of Suzuki and further in view of Hou and further in view of Mallya (U.S. Pat. Pub. 2004/0114633). Applicant respectfully traverses these grounds of rejection.

Applicant respectfully submits that at claims 1 and 13, as amended, are not disclosed or suggest by any of the applied references, alone or in combination. Nor would either of claims 1 and 13 been obvious to a person of ordinary skill in the art at the time of invention.

With regard to rejections under 35 U.S.C. §103(a), Applicant respectfully submits that the United States Court of Appeals for the Federal Circuit required a showing of **an unrebutted prima facie case of obviousness** (*In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998) (citing *In re Deuel*, 51 F.3d 1552, 1557, 34 USPQ2d 1210, 1214 (Fed. Cir. 1995))). According to United States Court of Customs and Patent Appeals, the predecessor to the Federal Circuit, the *prima facie* case can be established only if the prior art references, among others, **teach all features** in the claims (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1970); see also **MPEP 2143.03**), or if the claim or claims recite features **as combined in the claims** that would have been within the ordinary skill in the art (*KSR International Co. v. Teleflex Inc. et al.*, No. 04-1350, U.S. Supreme Court, decided April 30, 2007).

With regard to the above paragraph, Applicant respectfully submits that neither claim 1

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or 13 would have been obvious to a person of ordinary skill in the art in view of the combinations of references or as being within the level of ordinary skill in the art.

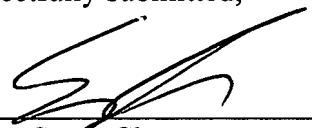
In view of the foregoing remarks, the Applicant respectfully requests withdrawal of the rejection on claims 1 and 13.

Other claims in this application are each dependent on the independent claims 1 and 13, and believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

A check for \$400.00 is enclosed herein to cover 2 extra independent claims.

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,


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